

**MEMO ENDORSED**

MICHAEL A. CARDOZO  
Corporation Counsel

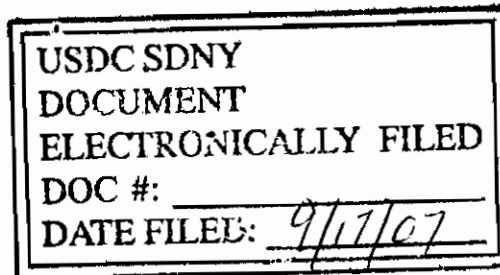
THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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September 4, 2007

VIA FACSIMILE

The Honorable James C. Francis IV  
United States Magistrate Judge  
Daniel Patrick Monynihan Courthouse  
500 Pearl Street – Room 1960  
New York, New York 10007-1312



Re: Remmes v. The City of New York, et al.  
USDC SDNY 05 Civ. 9940(KMK)(JCF)

Dear Judge Francis:

Defendants' request an order dismissing plaintiff Chris Remmes' ("Plaintiff Remmes") action with prejudice. Plaintiff Remmes has failed to prosecute his action by not responding to defendants' discovery served over one year ago, on August 9, 2006, by not responding to defendants' motion to compel, dated August 6, 2007, and by not appearing for his deposition on August 9, 2007, which was so ordered by Your Honor.

On July 5, 2007, the Court ordered Plaintiff Remmes to appear for his deposition on August 9, 2007. See Exhibit A. On July 31, 2007, defendants wrote to Jason Rozger (counsel to Plaintiff Remmes) to remind him of Plaintiff Remmes' deposition on August 9, 2007 at the law offices of Fulbright & Jaworski. See Exhibit B. In addition to this written reminder, a telephone message was left for Mr. Rozger on August 6, 2007 to remind him, again, of Plaintiff Remmes' deposition. On August 9, 2007, however, Mr. Rozger and Plaintiff Remmes failed to appear for the deposition. All other counsel were ready to proceed.

With respect to Plaintiff Remmes' failure to respond to defendants' discovery requests, and his failure to respond to defendants' motion to compel, defendants remind the Court that it has already reached out to Mr. Rozger at least once, and permitted him sufficient time to respond. At the court conference on July 27, 2007, the Court observed, "We'll see if he responds

more quickly to the Court." See Exhibit C. At the most recent court conference, on August 24, 2007, Your Honor made a similar remark. See Exhibit D. Subsequently, on August 24, 2007, Your Honor issued an order directing Plaintiff Remmes to provide all discovery by August 31, 2007. See Exhibit E. Plaintiff Remmes has produced nothing to defendants to date.

For the forgoing reasons, defendants respectfully request that the Court dismiss Plaintiff Remmes' lawsuit with prejudice. //

Respectfully submitted,



Raju Sundaran (RS 8011)

cc: Jason Rozger, Esq. (Via Facsimile)

9/14/07

Application denied. By September 21, 2007, ~~remmes~~ defendants' counsel shall select a date prior to November 15, 2007 for plaintiff's deposition, and I will "so order" it. By September 28, 2007, plaintiff shall provide the requested information and releases concerning non-RNC arrests and medical treatment. Plaintiff will be cut no further slack in the discovery process.

SO ORDERED.  
James C. Francis IV  
USMJ